



Appeal Decision

Site visit made on 7 October 2011

by **C J Leigh** BSc(Hons) MPhil(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 October 2011

Appeal Ref: APP/Q1445/A/11/2155439

Tim Jones House (also known as Rochester House), Rochester Gardens, Hove, East Sussex, BN3 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Askaroff, against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00857, dated 22 March 2011, was refused by notice dated 18 May 2011.
 - The development proposed is described as 'minor external alterations and formation of residential unit within roof space'.
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Preliminary matters

1. The Council's description of the proposed development describes more accurately the proposed external alterations, and so I have determined this appeal on the basis of seeking planning permission for conversion of roofspace to form residential unit incorporating relocation of existing dormer, and additional dormer to front, rooflights to rear and associated works.

Decision

2. The appeal is allowed and planning permission is granted for conversion of roofspace to form residential unit incorporating relocation of existing dormer, and additional dormer to front, rooflights to rear and associated works at Tim Jones House (also known as Rochester House), Rochester Gardens, Hove, East Sussex, BN3 3AW in accordance with the terms of the application, Ref BH2011/00857, dated 22 March 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
 - 3) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the
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development hereby permitted and shall thereafter be retained for use at all times.

- 4) No residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to, and approved in writing by, the Local Planning Authority; and
 - (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.
- 5) The dwelling hereby approved shall not be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming the residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 0136.EXG.001, 0136.EXG.002, 0136.EXG.003 and 0136.PL.001.

Main issues

3. The first main issue in this appeal is whether the proposed development would provide satisfactory living conditions for future occupants. The second main issue is whether adequate parking provision would be provided for the proposed development.

Reasons

Living conditions

4. The appeal premises are currently in the process of refurbishment for office use. The proposed dwelling would be provided within the roof space, with associated alterations to the roof. Whilst there would be a 'front door' to the dwelling at second floor, up to that point access to the dwelling would be shared with the staircase serving the office use from ground through to second floor. Residential access to this staircase from outside the building would, though, be separate from the office access: from the side of the building rather than the principal front entrance, though this would also be an emergency exit for office occupiers.
5. This access arrangement would be satisfactory. Residents would be able to enter the building away from the principal commercial access and use a staircase for direct and convenient access to their home. Although they may encounter office workers and visitors to the building, this mixing of activities would occur within an area outside their private home: behind their front door the flat would remain entirely private. This is akin to the situation that might occur in many instances where a private dwelling opens onto a mixed or public space. Furthermore, future occupants of the dwelling would be aware that they

may encounter workers once going beyond their private door: the quality of the proposed accommodation would not suffer from this, and I have little reason to doubt that the proposed flat would not be attractive to future occupants.

6. I am informed that compliance with the relevant building regulations and other legislation would ensure levels of noise transmission between the office use and the flat would not lead to unreasonable disturbance for future occupants, and would not impose upon the use of the offices. I see no reason to disagree with this.
7. The proposed flat would therefore provide satisfactory living accommodation for future occupants and would not be imposing upon the office use beneath. The proposal would therefore satisfy Policy QD27 of the Brighton and Hove Local Plan 2005, which seeks to ensure all development protects the amenity of proposed and existing users and residents.

Parking provision

8. The submitted drawings show the cycle parking facilities would be provided to the side of the premises. Whilst the Highway Authority accept the amount of cycle parking, and raise no objection to the absence of car parking, they require the facilities to be covered. I note that the Council's Supplementary Planning Guidance Note 4: Parking Standards 2000 (SPG) does not require cycle parking to be covered, but such a requirement is set out in Policy TR14 of the Local Plan for new dwellings.
9. The appellant raises no objection to providing covered parking and has submitted a drawing to demonstrate how this might be provided. Since that drawing has not been the subject of full consultation I have not accepted it as part of this appeal. However, along with my observations at the site visit, it illustrates to me that there appears to be the potential to provide a covered cycle store without harm to the character and appearance of the area, or without hindering access to the appeal property. This matter can therefore be dealt with by condition, as suggested by the appellant.
10. Due to the location of the appeal site close to local shops and services, within a sustainable urban location, I similarly concur that the absence of car parking in this instance is acceptable. I note the Highway Authority's request made at the planning application stage for a financial contribution towards improving sustainable modes of transport within the vicinity of the site, but the subsequent Planning Officer's Report states that such a payment was not being sought. I have not been informed during this appeal that the local planning authority's position has changed, and so in the absence of any renewed request for a contribution I find such a contribution would be unnecessary. With the provision of a covered cycle store, the proposed development would therefore satisfy the objectives of Policies TR1, TR14 and TR19 of the Local Plan, and the SPG, which seek to ensure development proposals make adequate provision for their travel demand and satisfy parking requirements.

Other considerations

11. The proposed alterations to the roof include the relocation of an existing dormer and insertion of new dormers and rooflights. These changes would be

sensitive to the building and wider area, and so there would be no harm to the character and appearance of the Brunswick Town Conservation Area.

Conclusions and conditions

12. The proposed development would therefore be consistent with the objectives of the Local Plan for the reasons given and the appeal is allowed.
13. I have attached the Council's suggested conditions requiring submission of details relating to the refuse store and cycle parking provision, to ensure a satisfactory provision of both, as indicated earlier. I have attached conditions relating to the construction of the development to the Code for Sustainable Homes and for Lifetime Homes, since those objectives are supported by Local Plan Policies SU2 and HO13, and the Council's Supplementary Planning Document SPD08. Finally, I have also imposed a condition identifying the approved plans because, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A number of conditions have been modified in the interests of precision and enforceability.

C J Leigh

INSPECTOR